GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

HM&FW Department – Poisons Act, 1919 – Regulation of sale of Acids – Andhra Pradesh Poisons and Sale Rules, 2016 – Final Notification – Orders issued.

HEALTH MEDICAL AND FAMILY WELFARE (I.1) DEPARTMENT

G.O.MS.No. 140 **Dated: 10-11-2016**

Read the following:

1. From the Hon'ble Supreme Court of India order dt. 18-7-2013 in W.P.No.129 of 2006.
2. Home (Courts.B) Dept, U.O.Note No.18553/Courts/D3-2008-18, Dated.9-10-2013.
3. Govt. Memo.No.17889/N1/2013, dated.18-12-2013.
4. Letter from the DG,DCA, Lr.No.19660/Admn./G2/2013, dt.16.01.2014 and Letter Rc.No.703/STC/2014, dt.24-7-2014.
5. G.O.Ms.No.131, HM&FW(I.1)Dept., dt:13.10.2014.

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O R D E R :

The following notification will be published in an Extraordinary issue of the Andhra Pradesh Gazzette dt:16.11.2016.

2. The Commissioner, Printing, Stationery and Stores Purchase, Andhra Pradesh is requested to publish the following notification of "**Andhra Pradesh Poison possession and sale rules 2016"** in the Extraordinary issue of the Andhra Pradesh Gazette.

FINAL NOTIFICATION

In exercise of the powers conferred by section 2 read with sections 6 and section 8 of the Poisons Act, 1919 (Central Act 12 of 1919), the Government of Andhra Pradesh hereby make the following rules, as the same having been previously published in the Andhra Pradesh Gazzette Extraordinary dated 14th October 2014 vide G.O.Ms.No.131, HM&FW(I.1)Dept., dated 13th October 2014 and after considering the objections/suggestions received as required under sub-section (2) of section 8 of the said Act.

RULES

1. Short title extent and commencement:

(1) These rules may be called the Andhra Pradesh Poisons (Possession and Sale) Rules, 2016.
(2) They shall extend to whole of the State of Andhra Pradesh
(3) They shall come into force on the date of their publication in the Andhra Pradesh Gazette.

2. Definitions: In these rules, unless the context otherwise requires:-

(a) "Act" means the Poisons Act, 1919. (Central Act, 12 of 1919)
(b) "Dealer" means a person holding license under these rules.
(c) "Form" means a form appended to these rules.
(d) "Licensee" means a holder of a license.
(e) "Licensing Authority" means the District Magistrate or any other officer authorized by the State Government under section 3 to grant a license.

(f) "Notification" means a notification published in the Andhra Pradesh Gazette.

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(g) "Sale" means any sale by one licensed dealer to another or by a licensed dealer to any educational institution or to any research or medical institution or hospital or dispensary under a qualified medical practitioner (Registered Medical Practitioner) or any recognized public institution or industrial firm requiring poisons for its own use or to Government Departments or Public Sector Undertakings or to an individual for personal use.

(h) "Schedule" means the Schedule appended to these rules.

3. The poisons specified in the Schedule shall be deemed to be poisons for the purpose of these rules.

4. **License for possession or sale**: No person, unless exempted under the provisions of the Act, shall sell or possess for sale any poison specified in the Schedule except under a license in Form A granted or renewed in that behalf by the licensing authority.

5. **Exhibition of rules on the premises**: A copy of these rules shall always be displayed in prominent position at the place of business specified in the license granted under rule 4.

6. **Application for grant or renewal of license**:

1) Every person desiring for the grant or renewal of a license shall make a written application to the licensing authority in Form B and such application shall bear a court fee stamp of one hundred rupees. Provided that any application for renewal of a license which is made less than three months prior to the date of the expiry of the license shall bear a court fee stamp of hundred rupees.

2) In case when the original license is lost or destroyed, and application for duplicate license shall be made in writing and shall bear a Court fee stamp of two hundred rupees.

3) In the case of any change in the place of business of the licensee, a fresh application for license shall be made to the licensing authority and such application shall bear a court-stamp of one hundred rupees.

4) The licensee shall prominently display the license in the place of business.

7. **Duration of license**: Subject to the provisions of rules 8 and 9, a license granted or renewed under these rules shall remain in force for five years from the date of issue.

8. **Discretion of licensing authority**: A license may be cancelled / suspended for certain period or revoked at any time. The grant / renewal / cancellation / suspension of license shall be in the discretion of the Licensing Authority.

Provided that the Licensing Authority shall give an opportunity to the party concerned to show cause, if any, action proposed to be taken against the party and shall record in writing the reasons for refusing to grant or renew a license or for canceling or revoking a license.

Provided further that the application for a license or a licensee whose license has been refused to renewal or cancelled / suspended / revoked as aggrieved by such an order of the Licensing Authority can file an appeal with the Appellate Authority notified by the State Government.

9. **Termination of license**: A license shall terminate on the death of the license holder or on the transfer of his business, or if granted to a firm or company, on the winding up or the transfer of the business of such firm or company / or change of constitution.

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Provided that, if the business carried on by the licensee as such of the firm or company is transferred as a going concern and the transferee applies for a fresh license, with court fee stamp of hundred rupees, within (30) days of the date of transfer, the subsisting license shall continue to be in force until a new license has been granted or the application for fresh license is rejected by the Licensing Authority.

10. **Disposal of stock on termination, revocation or cancellation of license:**

1) In the event of revocation or cancellation of the license under rule 8 or in the event of the termination of license under rule 9, the stock of poison may be sold to any other license holder within a period of three months from the date of such termination, revocation or cancellation of the license, after which the remaining stock of poison may be destroyed under the orders of the Licensing authority. Such destroyed of the poison shall be under taken in conformity with Andhra Pradesh Pollution Control Board (APPCB) rules.

2) In the case referred to in rule 9, the proceeds of the sale, if any, shall be made over to the legal representative of the deceased license holder or his transferee or, liquidator of the dissolved firm or company of the transferee of the firm or company, as the case may be.

11. **Power to inspect poisons and registers**: Any Executive Magistrate or a Police Officer of the rank of Sub-Inspector and above or a Medical Officer appointed by the State Government or an Inspector appointed under section 21 of the Drugs and Cosmetics Act, 1940 (Central Act 23 of 1940) may at any time visit and inspect the premises of the license holder where a poison is kept for sale and may inspect all poisons found therein and the registers.

12**. License to whom granted**:

1) A license shall be granted only to a person who in the opinion of the licensing authority is competent to conduct business in poisons.

2) The license issued to a firm or company shall always be in the name of the proprietor or Directors of the company or a responsible person to be nominated by such proprietor or Directors for the purpose, or in the case of a public company, in the name of its manager.

3) The name or names so given may be altered or amended by the licensing authority on a written application from the firm or company and such application shall beat a court fee stamp of hundred rupees.

13. **Sale of poison**:

1) Every sale of poison, as far as practicable, shall be made by the license-holder in person or where the license-holder is a firm or a company, through or under supervision of an accredited representative of such firm or company.

2) A Person holding license for possession and sale of poisons granted under these rules shall store and sell from the premises specified in the license.

3) The sale of poisons shall be prohibited unless the seller maintains a log book/register as per the rules herein.

14. **Persons to whom poisons may be sold**:

1) A license holder shall not sell any poison to any person, unless the latter is personally known to him, or identified to his satisfaction by producing a photo identity card issued by the Government, which has his address or substantiate it with a document giving his address.

2) The license holder shall also ascertain before selling any poison the name, telephone number and address of the purchaser and the purpose for which the poison is purchased.

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3) The license holder shall not sell any poison to any person who appears to him to be under the age of eighteen years, or to any person who does not appear to him to be in full possession of his faculties.

15. **Register of sales of poisons**:

(1) Every license holder shall maintain a register in which he shall enter correctly all sales of poisons other than used by a Chemist, Druggist or Compounder dispensing or compounding in compliance with the prescription of a qualified medical or veterinary practitioner. The following details shall be entered in such register in respect of such sale, namely:

(a) Serial No;

(b) Name of Poison, Quantity purchased, purchased from, date of purchase.

(c) Quantity Sold;

(d) Date of sale;

(e) Name and address of the purchaser, serial number of the photo identity card produced and the name of the issuing authority;

(f) Purpose for which the poison was stated by the purchaser to be required;

(g) Batch No;/relevant description;

(h) Name and address of the manufacturer;

(i) Signature of purchaser (or thumb impression if illiterate) or in the case of purchase by post date on which the letter was written and reference to the original in the file in which it is preserved;

(j) Signature of a person identifying the purchaser if any (or thumb impression, if illiterate); and

(k) Signature of Dealer.

(2) In a separate portion of the register he shall entered in separate columns for each poison, the quantity of each poison sold daily, and those entries shall be filled up from day to day.

(3) The signature in the register prescribed under item(K) of sub rule (1) shall be that of the license-holder himself, or, when the license holder is a firm or company, an accredited representative of such firm or company and shall be written at the time of such signature shall be sale or dispatch to the purchaser. Such signature shall be held to imply that the signatory had satisfied himself that the requirements of rule 14 have been fulfilled.

(4) All letters or written orders referred to under item (i) of sub rule(1) shall be preserved in original by the license holder for a period not less than two years from the date of sale.

(5) The daily balance of stock should be entered in the register.

16. **Custody or poisons kept for sale and lebelling of receptacled in which they are kept**:

(1) All poisons kept for sale under these rules by any license-holder shall be kept securely in a box, almirah, room or building (according to the quantity maintained) which shall be secured by lock and key and in which no substance shall be placed other than poisons possessed in accordance with a license granted under the Act, and each poison shall be kept securely within such box, almirah, room or building in a separate closed receptacle of glass, metal or earthenware.

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(2) Every such box, almirah, room or building and every such receptacle shall be marked with the word "POISON' in red letters, both in English and in the local language and in the case of receptacles containing separate poison, with name of such poison.

17. **Poisons sold to be securely packed and labeled**: When any poison is sold, it shall be securely packed in a closed receptacle or container (according to the quantity); and every such receptacle or packet shall be labeled by the licensee with a red label bearing in English and in local language giving the name of the poison and the name and address of the licensee Manufacturer. The following universal warning symbols shall also be displayed on the receptacle.

18. **Security, storage and incident management of acids / corrosive substances by users (except individuals):** A Standard Operating Procedure (SOP) outlining the measures undertaken for security, storage and incident management of acids/corrosive substances shall be prepared and displayed prominently in the premises of the user.

(1) Security of acid/corrosive substances.

(a) A person shall be made accountable for possession and safe keeping of acid in the premises.

(b) The storage of acid/corrosive shall be under the supervision of this person.

(c) The storage of acid/corrosive shall be under double lock system to ensure more security.

(d) A register of usage of acid shall be maintained and the same shall be filed with the concerned SDM (or Tehsildar wherever the office of SDM does not exist) every three months.

(e) There shall be compulsory checking of the students/personnel leaving the laboratories / place of storage where acid / corrosive is used / stored.

(2) Storage of acids/corrosive substances.

(a) The chemicals should be stored in plastic or other suitable containers.

(b) All storage containers should be labeled to indicate the identity of the chemicals and the hazards involved and the precautions to be taken.

(c) Incompatible chemicals should not be stored together.

(d) The inventory of corrosive chemicals should be kept to a minimum.

(e) Protective gloves, aprons, safety glasses and face shields should b worn where appropriate.

(f) Acids should be diluted with care-always add acid to water, never add water to acid.

(3) Incident Management

(a) Skin contact: Quickly take off contaminated clothing, shoes and leather goods (e.g. watchbands, belts). Quickly and gently bolt or brush away excess chemicals. Immediately flush with lukewarm, gently flowing water for at least 30 minutes. Do not interrupt flushing, if it can be done safely; continue flushing during transport to hospital. Immediately call a Poison Centre or doctor as treatment is urgently required, transport to a hospital.

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(b) Eye contact: Avoid direct contact. Wear chemical protective gloves if necessary. Quickly and gently blot or brush chemical off he face. Immediately flush the contaminated eye(s) with lukewarm, gently flowing water for at least 30 minutes, while holding the eyelid(s) open. If a contact lens is present, do not delay flushing or attempt to remove the lens. Neutral saline solution may be used as soon as it is available. Do not interrupt flushing. If necessary, continue flushing during transport to hospital.

(c) Ingestion: Have victim rinse mouth with water. If vomiting occurs naturally, have victim lean forward to reduce risk of aspiration. Have victim rinse mouth with water again. Immediately call a Poison Centre or doctor. If treatment is urgently required, transport victim to a hospital.

(d) Inhalation: Take precautions to ensure your own safety before attempting rescue (e.g. wear appropriate protective equipment). Move victim to fresh air keep at rest in a position comfortable for breathing. If breathing is difficult, trained personnel should administer emergency oxygen. Do not allow victim to move about unnecessarily. Symptoms of pulmonary edema may be delayed. Immediately call a poison Centre or doctor. Treatment is urgently required. Transport to a hospital.

19. Penalties:-

Any person who acts in contravention of these rules shall be liable for penalty under section 6 of the Poison Act,1919, (Act No. 12 of 1919)

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. POONAM MALAKONDAIAH
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing and Stationery Stores and Purchase Dept.,Muthyalampadu, Vijayawada (with a request to publish the rules and furnish 500 copies.)
The Director General of Police, A P Hyderabad
The Director General, Drugs Control Administration, AP, Guntur.
All HODs under Administrative control of HM&FW Department.
All District Collectors, Andhra Pradesh
All the Superintendent of Police, Andhra Pradesh
Copy to:
The Industries and Commerce Department, AP, Secretariat, Amaravathi.
The Home (Courts.B) Department, AP, Secretariat, Amaravathi.
The Law.B Department, AP, Secretariat, Amaravathi.
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER

Annexure to G.O.Ms.No.140, HM&FW(I.1) Dept. Dated. 10 -11-2016

Schedule

See rules 2 & 3

List of Poisons

(1) Acetic acid (beyond 25% concentration by weight)

(2) Acetic Anhydride

(3) Sulphuric acid (H_2SO_4) (beyond 5% concentration by weight)

(4) Hydrochloric acid (HCL) (beyond 5% concentration by weight)

(5) Phosphoric acid (H_3PO_4)

(6) Hydrofluoric acid (HF)

(7) Perchloric Acid ($HClO_4$)

(8) Formic Acid (beyond 10% concentration by weight)

(9) Hydrocyanic acid except substances containing less than 0.1 percent weight in weight of Hydrocyanic acid.

(10) Hydrochloric acid, except substances containing less than 5 percent weight in weight of Hydrochloric acid.

(11) Nitric acid, except substances containing less than 5 percent weight in weight of Nitric Acid.

(12) Oxalic acid.

(13) Perchloride of mercury (corrosive sublimate)

(14) Potassium Hydroxide except substances containing les than 2 percent weight in weight of Potassium Hydroxide.

(15) Sodium Hydroxide except substances containing less than 2 percent weight in weight of sodium Hydroxide.

(16) Hydrogen peroxide (beyond 50% concentration by weight)

(17) Formaldehyde (beyond 25% concentration by weight)

(18) Phenol (beyond 3% concentration by weight)

(19) Sodium Hypochlorite Solution (Beyond 5% concentration by weight)

(20) White Arsenic

Annexure to G.O.Ms.No. 140 , HM&FW(I.1) Dept., Dated.10 -11-2016

FORM A

(See rule 4)

License for possession and sale of Poisons

Register No.

Name of Licensee

Address of Shop

Photograph of License Holder / Authorized Representative

Shri/Ms_____ son/daughter of Shri _____

carrying on

On Business as at D.No. _____ in the _____

District, (full address) is hereby licensed to possess for sale, by wholesale or retail the following

poisons namely: and valid from to

1. _____
2. _____
3. _____
4. _____
5. _____

This license is subject to the conditions specified on reverse, the breach of any of which shall involve forfeiture of the license as well as liability to the penalties provided by Section 6 of the Poisons Act, 1919.

This license will remain in force from the date of grant for a period of five years unless previously terminated by the death of the license holder / deemed invalid by the Law or cancelled by the Licensing Authority concerned.

Seal and Signature of Licensing Authority

Annexure to G.O.Ms.No. 140, HM&FW (I.1) Dept., dated. 10-11-2016

CONDITIONS

1. Subject to the provisions of Rules 6(1) and 8, a license granted or renewed on any day shall remain in force for a period of five years. Every applicant for the grant or renewal of a license shall make a written application to the Licensing Authority and such application shall bear a Court fee stamp of hundred rupees.

2. A license shall terminate on the death of the license-holder or if granted to a firm or company on the winding up or transfer of the business of such, firm or company / or change of constitution unless the firm obtains a fresh license within (30) days with change of constitution.

3. The Licensing Authority may for any sufficient cause revoke cancel any license.

3. Every sale of a poison shall so far as possible be conducted by the license holder in person or where the license – holder is a firm or a company, through or under the supervision of an accredited representative of such firm or company.

4. A license – holder shall not sell any poison to any person unless the latter is personally known to him or identified to this satisfaction by producing photo identity card. He shall not sell any poison to any person who appears to him to be under the age of 18 or to any person who does not appear to him to be in full possession of his faculties.

6. (1) Every License – holder shall maintain a register in which he shall enter all sales of poison other than those used by a chemist and druggist for dispensing or compounding in compliance with the prescription of a medical or veterinary practitioner.

The following particulars shall be entered in such register in respect of each sale, namely;

(a) Serial No;

(b) Name of Poison, Quantity purchased, purchased from, date of purchase.

(c) Quantity Sold;

(d) Date of sale;

(e) Name and address of the purchaser, serial number of the photo identity card produced and the name of the issuing authority;

(f) Purpose for which the poison was stated by the purchaser to be required;

(g) Batch No;/relevant description;

(h) Name and address of the manufacturer;

(i) Signature of purchaser (or thumb impression if illiterate) or in the case of purchase by post date on which the letter was written and reference to the original in the file in which it is preserved;

(j) Signature of a person identifying the purchaser if any (or thumb impression, if illiterate); and

(k) Signature of Dealer.

(2) In a separate portion of the register shall be entered in separate column for each poison the quantity of each such poison sold daily and these entries shall be filled in from day to day.

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(3) The signature under column (k) of the register shall be that of the license – holder himself or when the license – holder is a firm or company that of an accredited representative of such firm or company and shall be entered at the time of sale of dispatch to the purchaser. Such signature shall be held to imply that the writer has satisfied himself that the requirements of rule 15 have been fulfilled.

(4) All letters or written orders referred in column (i) of the register shall be preserved in original by the license – holder for a period of nor less than two years from the date of the sale.

7. (1) A license – holder shall maintain in respect of each poison a stock register, in form II which shall contain the following particulars.

(a) Serial No.

(b) Date of sale

(c) Amount received name and address of person from who received

(d) Name and address of person from whom received.

(e) Amount sold

(f) Balance in stock

(g) Remarks.

(2) The stock register shall be balanced daily.

8. Any executive Magistrate or an inspector appointed under section 21 of the Drugs and Cosmetics Act, 1940 or a police officer of or above the rank of Sub – Inspector or any medical officer of or above the rank of Assistant Medical Officer may at any time visit and inspect all poisons found there and the register maintained under rules 15 and 16.

9. All poisons kept for sale by any license holder under these rules (except those kept by a chemist and druggist for the purpose of dispensing or compounding in compliance with the prescription of a medical or veterinary practitioner) shall be kept in a box, almirah, room or building (according to the quantity maintained) which shall be secured by lock and key and in which no substance shall be placed other than poisons possessed in accordance with a license granted under the Act and each Poison shall be kept within such box, almirah, room or building in a separate closed receptacle of glass, plastic, metal or earthen-ware. Every such box, almirah, room or building any every such receptacle shall be marked with the word "Poison" in red characters in English and local language and in the case of receptacles containing separate poisons with the name of such poisons.

10. When any poison is sold, it shall be securely packed in closed receptacle or packed (according to the quantity) and every such receptacle or packet shall be labeled by the vendor with a label bearing the name of the poison in English and local language and the number and date of the entry in the register of sales specified in rule 15.

11. The license shall be held subject to the conditions mentioned above and to the provisions of the Act and rules form time to time made under the Act.

12. The license, if he intends to sell or possess for sale any poison for medicine use will first obtain a requisite license as required under section 18(c) of the Drugs and Cosmetics Act, 1940.

Note – A Poison for medicine use means a drug as defined in section 3 of the Drugs and Cosmetics Act, 1940. (Act No.12 of 1919)

(p.t.o)

Annexure to G.O.Ms.No. 140, HM&FW (I.1) Dept., dated.10-11-2016

FORM B

(see rule 6)

Application for Grant/Renewal of License for possession and sale of Poisons

1. Name of the Applicant/firm
2. Age of the Applicant
3. Office and Residence Address
4. License No. and Copy of License (applicable for renewal applications)
5. Documents regarding constitution of the applicant firm including nomination of the authorized representative
6. Full Address of the place of business or shop or of storage for which a license is applied for number of the flat and the name of the building with house number and the street or the road where it is situated
7. Copy plan of the premises
8. Documents pertaining to the right of possession of the premises
9. Name of the poison proposed to be sold.

(Applicant should furnish three copies of self attested photographs along with the application)

Annexure to G.O.Ms.No. 140 , HM&FW (I.1) Dept., dated.10 -11-2016

PUBLIC NOTICE

1. Whereas the Hon'ble Supreme Court in WP (Crl.) 129 of 2006 Laxmi Vs. U.o.I and others on 18/07/2013 had passed certain directions regarding the sale of acid/corrosive substances.

2. As per the directions of the Hon'ble Supreme Court, it is hereby brought to the notice of the general public which includes individuals, educational and research, institution, hospitals, industries, Government departments and department of Public Sector Undertakings or sellers of the following acids and corrosive substances, namely that henceforth their sale would be regulated until the new Poison Rules and promulgated: Acetic acid (beyond 25% concentration by weight), Acetic Anhydride, Sulphuric acid (H2SO4) (beyond 5% concentration by weight), Hydrochloric acid (HCL) (beyond 5% concentration by weight), Phosphoric acid (beyond 10% concentration by weight), Hydrofluoric acid, Perchloric acid, Formic acid, Hydrocyanic acid except substances containing less than 0.1 percent weight in weight of Hydrocyanic acid, Nitric acid except substances containing less than 5 per cent weight in weight of Nitric acid, Oxalic acid, Per chloride of mercury (corrosive sublimate), Hydrogen Peroxide (beyond 50% concentration by weight), Formaldehyde (beyond 25% concentration by weight), Phenol (beyond 3% concentration by weight), Potassium Hydroxide except substances containing less than 2 percent weight in weight of Potassium Hydroxide, Sodium Hydroxide except substances containing less than 2 per cent weight in weight of Sodium Hydroxide, Sodium hypochlorite solution(beyond 5% concentration by weight), white arsenic.

3. It is hereby directed that:

   I. Over the counter, sale of acid is completely prohibited unless the seller maintains a log register recording the sale of acid which will contain the details of the person(s) to whom acid (s) is / are sold and the quantity sold. The log/register shall contain the address of the person to whom it is sold. No acid shall be sold to any person who is below 18 years of age.

   II. All sellers shall sell acid only after the buyer has shown:

      a. A Photo ID issued by the Government which also has the address of the person.

      b. Specified the reason/purpose for procuring acid.

   III. All stocks of acid must be declared by the seller with the concerned Sub- Divisional Magistrate (or Tehsildar where the office of SDM does not exist) within 15 days of this notice.

4. It is further directed that the educational institutions, research, laboratories hospitals, Government Departments and the departments of Public Sector under takings, who are required to keep and store acid, shall follow the following guidelines.

   (i) A register of usage of acid shall be maintained and the same shall be filed with the concerned Sub-Divisional Magistrate .

   (ii) A person shall be made accountable for possession and safe keeping of acid in their premises.

(p.t.o)

(iii) The acid shall be stored under the supervision of this person and there shall be compulsory checking of the students/personnel leaving the laboratories/place of storage where acid is used.

5. The concerned SDM or Tehsildar shall be vested with the responsibility of taking appropriate action for the breach / default / violation of the above directions.

6. All the buyers and sellers of acids and corrosive substances are requested to follow the above directions scrupulously.

Dr. POONAM MALAKONDAIAH
PRINCIPAL SECRETARY TO GOVERNMENT